

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 18, 1998

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	
GREAT BEIJING MANDARIN	)	OCAHO Case No. 98A00003
RESTAURANT, INC.,	)	
Respondent.	)	
	)	

FINAL DECISION AND ORDER APPROVING CONSENT FINDINGS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA or the Act). On November 15, 1996, the Immigration and Nationalization Service (INS or Complainant) served a Notice of Intent to Fine on Great Beijing Mandarin Restaurant, Inc. (Great Beijing or Respondent), alleging that Great Beijing hired and continued to employ eight individuals after November 6, 1986 knowing them to be unauthorized for such employment, that Great Beijing failed to properly complete Section 2 of the Employment Eligibility Verification Form (Form I-9) for eleven named individuals hired after November 6, 1986, that Great Beijing failed to ensure that three named individuals hired after November 6, 1986 properly completed Section 1 and failed itself to complete Section 2 of the Form I-9 for those individuals, and that Great Beijing failed to prepare a Form I-9 for eight named individuals hired after November 6, 1986. After Respondent's written request for a hearing dated November 27, 1996, the INS filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), on October 6, 1997.

Timely answer was made and on February 13, 1998, the parties filed a Joint Motion to Approve Consent Findings, together with a Settlement Agreement signed by both parties which resolves all issues in the complaint.

Under § 68.14(a)(1) of the OCAHO Rules of Practice and Procedure:

(a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

(1) Submit to the presiding Administrative Law Judge:

- (i) the proposed agreement containing consent findings; and
- (ii) a proposed decision and order;

28 C.F.R. § 68.14(a)(1).

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(1). I have reviewed the Settlement Agreement, and find that its terms are appropriate in timeliness, form, and substance pursuant to 28 C.F.R. §§ 68.14(a), (b), and (c).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. §§ 68.14 (b) and (c):

1. respondent has withdrawn its request for a hearing on the merits;
2. respondent admits the allegations of Counts I through IV of the Complaint and agrees to pay the civil money penalties of \$6,500.00 according to the schedule set forth in the agreement and to cease and desist from any further violations of the Act;
3. the parties have waived any further procedural steps before the administrative law judge;
4. the parties have waived any right to challenge or contest the validity of this decision and order;
5. the entire record on which the decision and order is based consists solely of the complaint, the notice of hearing, the answer, the motion to approve consent findings, and the settlement agreement containing consent findings, which are hereby incorporated by reference;
6. this decision and order shall have the same force and effect as a decision and order made after a full hearing and shall become the final agency order of the Attorney General unless vacated or modified within thirty days by the Chief Administrative Hearing Officer. 28 C.F.R. § 53(a)(2).

SO ORDERED.

Dated and entered this 18th day of February, 1998.

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Ellen K. Thomas  
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 1998, I have served copies of the foregoing Final Decision and Order Approving Consent Findings on the following individuals at the addresses indicated:

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